

The opinion in support of the decision being entered today  
was **not** written for publication and  
is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**Ex parte** PAT ODOM, TRACEY FATLAND, DOLLY GILLIAM, CHERI BARNETT,  
TERRY HARBIN, L.J. SONGY and TERRY HAIR

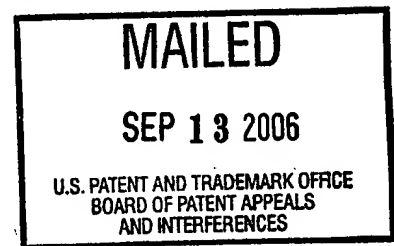
---

Appeal No. 2006-1921  
Application No. 09/821,441  
Technology Center 3600

---

ON BRIEF

---



Before OWENS, NAPPI and FETTING, **Administrative Patent Judges**.

NAPPI, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 7 through 13, claims 1 through 6 and 14 through 33 are canceled. For the reasons stated *infra* we will not sustain the examiner's rejection of claims 7 through 13.

## **THE INVENTION**

The invention relates to a method for processing bill payment transactions at point of sale terminals. See pages 3 and 4 of appellants' specification. Claim 7 is representative of the invention and is reproduced below:

7. A method for processing an in-person bill payment at a point of sale location, comprising:  
    identifying a biller for whom payment of a payment transaction is to be received;  
    obtaining transaction information concerning the payment;  
    receiving payment for the bill;  
    assigning a transaction identifier to the transaction;  
    scanning at least one transaction document and generating at least one electronic image therefrom;  
    storing each electronic image in an image memory with an image identifier and linking the image identifier to a transaction identifier;  
    transmitting the transaction information to a payment server;  
    receiving from the payment server instructions regarding the transaction;  
and  
    transmitting to an image server a copy of each electronic image and the image identifier and linked transaction identifier.

## **THE REFERENCE**

The references relied upon by the examiner are:

Vak et al. (Vak)	5,473,143	Dec. 5, 1995
Graves et al. (Graves)	5,652,802	Jul. 29, 1997

### THE REJECTIONS AT ISSUE

Claims 7 through 10, 12 and 13 stand rejected under 35 U.S.C. § 102 as being anticipated by Vak. Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Vak in view of Graves. The examiner's rejections are set forth on pages 4 through 6 of the answer. Throughout the opinion we make reference to the brief and the answer for the respective details thereof.

### OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejection and the arguments of appellants and the examiner, for the reasons stated *infra* we will not sustain the examiner's rejection of claims 7 through 10, 12 and 13 under 35 U.S.C. § 102 or the examiner's rejection of claim 11 under 35 U.S.C. § 103.

Appellants argue, on page 5 of the brief, that Vak does not teach the claimed step of transmitting to an image server an electronic image as Vak does not teach a server receiving the image. Appellants assert that "[a] server is generally recognized as a computer that makes services such as access to data files, programs, and peripheral devices, available to workstations on a network" and that contrary to the examiner's assertion the central processing unit (CPU) of Vak's point of sales terminal (POS) is not a server. Further, on page 6 of the brief, appellants argue that even if the POS terminal of Vak were to be considered to be a server:

[N]owhere does Vak teach or suggest the method step of "transmitting to" the POS terminal a "copy of each electronic image and the image identifier and linked

transaction identifier” required by claim 7. The electronic images of Vak are generated *within* the POS terminal 12 (in camera 184) and hence are not “transmitted to” the terminal. See figure 2 of Vak and *Column 10, line 66 through Column 11, line 4*.

In response, on pages 6 and 7 of the answer, the examiner, relies on a dictionary definition of the term “server” to determine the scope of the claim and asserts that the microprocessor, item 120, of Vak meets the claimed server. Regarding appellants’ arguments directed to Vak not teaching transmitting image data to the server, the examiner states that the microprocessor 120 of Vak is considered to be the server, not the POS terminal as stated by appellants, and as such the examiner considers this limitation to be met by the camera in the POS terminal transmitting the data to the microprocessor. Finally the examiner states on pages 7 and 8:

[A]ssigning an image identifier to the image of the transaction and linking that image identifier to the transaction identifier is indeed inherent to the method of Vak et al., because doing so must necessarily occur, since without an image identifier (for example, a filename of the stored image file) linked to the transaction identifier, the method would not be able to work/function as disclosed because the image could not be received/utilized.

We disagree with the examiner’s rationale. Independent claim 7 recites “scanning at least one transaction document and generating at least one electronic image”, “storing each electronic image in an image memory with an image identifier and linking the image identifier to a transaction identifier” and “transmitting to an image server a copy of each electronic image and the image identifier and linked transaction identifier.” Thus, claim 7 requires scanning an image, storing the image with an identifier and then transmitting the image, the image identifier and transaction identifier to an image server. Whether the microprocessor, item 120 meets the claim limitation of a server is irrelevant, as Vak does not teach transmission of image identifier to the microprocessor. Nor do we consider such transmission to be inherent. As discussed by the examiner, on page 7 of the brief, the image data is scanned by the camera 184 and stored in an image buffer 174 (see figure 2). However we find no evidence of record that the image identifier, which is linked to the image, is transmitted to the microprocessor. The examiner has asserted that the image

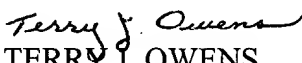
identifier is inherent, even if we were to agree, the claim calls for transmitting the image and the image identifier and the transaction identifier to the server (asserted to be the microprocessor). The examiner has not shown this to be inherent. We find Vak's disclosure is silent as to an image identifier as such it is unclear whether the image data and image identifier and transaction identifier are transmitted to the microprocessor or whether the microprocessor generates an image identifier and transaction identifier and links them to the image data. Thus, we find that the examiner has not shown that Vak anticipates the limitations of independent claim 7. Accordingly, we will not sustain the examiner's rejection of independent claim 7 and dependent claims 8 through 10, 12 and 13 under 35 U.S.C. § 102.

Claim 11 is dependent upon claim 7. The examiner has rejected claim 11 over the combined teachings of Vak and Graves. As noted, above Vak does not teach all of the limitations of independent claim 7. The examiner has not asserted, nor do we find that Graves teaches or suggests modifying Vak to include transmitting an electronic image, and image identifier and transaction identifier to an image server as claimed in independent claim 7. Accordingly, we will not sustain the examiner's rejection of claim 11 under 35 U.S.C. § 103, for the reasons stated *supra* with respect to claim 7.

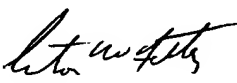
**Conclusion**

In summary, we will not sustain the examiners rejection of claims 7 through 10, 12 and 13 under 35 U.S.C. § 102 or the examiner's rejection of claim 11 under 35 U.S.C. § 103. The decision of the examiner is reversed.

**REVERSED**

  
TERRY J. OWENS  
Administrative Patent Judge

  
ROBERT E. NAPPI  
Administrative Patent Judge

  
ANTON W. FETTING  
Administrative Patent Judge

)  
)  
)  
)  
) BOARD OF PATENT  
) APPEALS AND  
) INTERFERENCES  
)  
)  
)  
)

REN/lg

Appeal No. 2006-1921  
Application No. 09/821,441

SLATER & MATSIL, L.L.P.  
17950 PRESTON RD., SUITE 1000  
DALLAS, TX 75252-5793